

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

This Document Relates to:

IN RE ELECTRONIC BOOKS
ANTITRUST LITIGATION

No. 11-md-02293 (DLC)
ECF Case

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

PENGUIN GROUP (USA) INC., et al.,

Defendants.

Civil Action
No. 12-cv-03394

IN RE ELECTRONIC BOOKS ANTITRUST
LITIGATION

No. 11-md-02293 (DLC)
ECF Case

This Document Relates to:

ALL ACTIONS

CLASS ACTION

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR APPROVAL OF PLAN FOR NOTICE**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT at a hearing date to be set by the Court, if necessary, before the Honorable Denise L. Cote, United States District Judge of the Southern District of New York, located in Courtroom 15B, Daniel Patrick Moynihan United States Courthouse, 500 Pearl St. New York, NY 10007-1312, Plaintiff States and Class Plaintiffs will, and hereby do, move for an order approving Plaintiffs' plan for distributing notice to eligible consumers in Plaintiff States and to the certified Apple Class, respectively.

This motion is brought pursuant to 15 U.S.C. §15c(b)(1) and Federal Rules of Civil Procedure 23(c)(2)(B), and is based on this Notice of Motion and Motion; the accompanying Memorandum of Law; and the Declaration of Kathy Kinsella in support of the motion.

DATED: March 28, 2014

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ATTESTATION

Pursuant to Electronic Case Filing Rules & Instructions Section 8.5(b), the filer of this document attests that concurrence in the filing of this document has been obtained from the other signatories above.

/s/ Steve W. Berman
STEVE W. BERMAN (*Pro Hac Vice*)

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2014, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system.

/s/ Steve W. Berman

STEVE W. BERMAN